

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 90-371-W - ORDER NO. 90-1174

DECEMBER 19, 1990

IN RE: Application of Vaucluse Heights) ORDER
System to Abandon its Water System) APPROVING
in Aiken County.) ABANDONMENT

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of an Application filed on June 26, 1990, by Vaucluse Heights Water System (the Applicant) requesting permission to abandon its water system providing service to residents in Vaucluse Heights Subdivision, Aiken County, South Carolina. The application was filed pursuant to S.C. Code Ann., Section 58-5-240 (Cumm. Supp. 1989), and R.103-821 of the Commission's Rules of Practice and Procedure.

The Commission's Executive Director instructed the Applicant to publish a prepared Notice of Filing in a newspaper of general circulation in the affected area. The purpose of the Notice of Filing was to inform interested parties of the nature of the Application and the manner and time in which to file the appropriate pleadings for participation in the proceeding. Thereafter, the Applicant provided the Commission with proof of publication of the Notice of Filing.

A Petition to Intervene was filed by the South Carolina Department of Health and Environmental Control (DHEC).

A hearing was commenced Tuesday, November 20, 1990, at 11:00 a.m. in the Offices of the Commission, the Honorable Marjorie Amos-Frazier, presiding. Marvin B. Poston, Esquire, represented the Applicant; Samuel L. Finklea, III, Esquire, represented DHEC; and H. Clay Carruth, Staff Attorney, represented the Commission Staff.

The Applicant presented the testimony of Thomas E. Mixon, the owner and operator of the Vacluse Heights Water System.

DHEC presented the testimony of James J. Brownlow, a DHEC employee in its Lower Savannah EQC District Office, and Brenda K. Jones, a DHEC employee in the Bureau of Drinking Water Protection, Division of Drinking Water Quality and Enforcement.

The Commission Staff presented no witnesses.

Based upon our consideration of the entire record in this matter, the Commission makes the following findings of fact and conclusions of law:

1. That the Commission has jurisdiction over the Applicant as to the instant matter by virtue of S.C. Code Ann. §58-5-210 (1976).

2. That Mr. Mixon has operated the Vacluse Heights Water System for more than 15 years, serving approximately 20 families in Vacluse Heights, a residential subdivision in Aiken County.

3. That Mr. Nixon created the system to facilitate development of the subdivision, intending to transfer the system, including lines, meters, wells, and tanks, to the Breezy Hill Water District, which has lines in the general vicinity and was expected to run those to Vaucluse Heights within a foreseeable period.

4. That the Breezy Hill Water District has not extended its lines to the subdivision, and has indicated it would not because of the small number of residences in the subdivision.

5. That the operation of the system has, excluding the original cost and additions, and without allowing recapture of initial investments or additions, cost Mr. Nixon approximately \$1,100.00 per year.

6. That the system is not properly designed to meet DHEC requirements with regard to minimum pressure.

7. That the subdivision is at capacity with one (1) house and fifteen (15) mobile homes currently served by the system and no further development of the subdivision possible, as it is "built-out".

8. That sewage treatment in the subdivision is by septic tank.

9. That Mr. Nixon has charged a \$12.00 per month flat rate without any meter-reading in the past, but more recently has not charged for service.

10. That Mr. Nixon has not charged anyone in the subdivision a deposit.

11. That Mr. Nixon's costs to upgrade the system to meet DHEC standards would be considerable, and, especially in consideration of past losses incurred, would work a great economic hardship on him inasmuch as he would not be able to charge and collect rates high enough to enable him to come close to recovering his costs on a reasonable basis.

12. That Mr. Nixon has offered to give the system to the residents of the subdivision, but they will not take it and assume the associated costs.

13. That the subdivision lots are all big enough to accommodate wells, that four (4) or five (5) residents already have wells on their lots, and that the cost of drilling a well might run up to \$2,000.00.

14. That DHEC has levied a \$1,000.00 civil penalty against Mr. Nixon for failure to meet its standards, which penalty is currently under appeal.

15. That it is in the public interest to provide for the operation, under monitoring, of the system for a reasonable time within which residents of the subdivision should be able to dig their own wells or exercise any other reasonable option as to water provision, such reasonable time being six (6) months from the date of this order.

16. That the Commission Staff should be required to monitor the operation of the system on a periodic basis and in response to complaints.

IT IS THEREFORE ORDERED:

1. That the Application of Vacluse Heights Water System to abandon its water system in Aiken County be, and hereby is, approved.

2. That the Applicant shall continue to operate its system for a period of six (6) months from the date of this order, consonant with the findings and conclusions herein.

3. That the Commission Staff shall monitor the operation of the Applicant's system consonant with the findings and conclusions herein.

4. That the Applicant shall certify to the Commission at the end of the six (6) month period in question that all customers are off its system.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:

Deputy 
Executive Director

(SEAL)